

REMARKS/ARGUMENTS

Claims 1-70 are pending in the application. Claims 1-70 stand rejected as obvious under 35 U.S.C. § 103(a).

Claim Rejections - 35 U.S.C. §103

Claims 1-70 stand rejected as obvious over Chen (US 2002/0032656) in view of Kawan (US 2002/0065712) under 35 U.S.C. §103(a). The rejection is respectfully traversed and reconsideration is requested.

This application claims priority to Applicants' U.S. Provisional Application No. 60/158,113 filed October 7, 1999 (See, e.g., Spec., p. 1, lines 4-7 and Applicants' Declaration(s) filed in this application), which discloses the subject matter found in the claims of this application, and the Chen reference asserted by the Examiner claims priority to U.S. Provisional Application No. 60/193,800 filed March 31, 2000. Therefore, the primary reference, Chen, asserted by the Examiner is not prior art under 35 U.S.C. §102 or 35 U.S.C. §103(a).

With regard to independent claims 1 and 36, the Examiner asserts the Chen reference as disclosing each and every element, except enrolling an ATM user in an incentive program, which the Examiner considers to be taught by Kawan. Inasmuch as the Chen reference is not prior art under 35 U.S.C. §102 or 35 U.S.C. §103(a), and Kawan does not disclose or suggest the required combination of limitations of independent claims 1 and 36, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and 36, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-35 that depend on claim 1 and claims

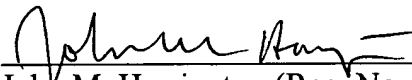
37-70 that depend on amended claim 36, and which recite further specific elements that have no reasonable correspondence with the references.

Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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